IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 307 of 2005**

Between:

1 Meduri Sarvesh S/o.Nagaiah
Musunuru Villaage, Nuziveedu Mandal,
Krishna dist.
2 Meduri Kanakambaram W/o.Nagaiah
Musunuru Villaage, Nuziveedu Mandal,
Krishna dist.
3 Meduri Swarna Kumari W/o.M.Sarvesh
Musunuru Villaage, Nuziveedu Mandal,
Krishna dist.

**..... PETITIONERS**

AND

1 The Revenue Divisional Officer Nuziveedu,Krishna Dist.
2 The Mandal Revenue Officer Musunur (M), Krishna Dist.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not considering the claim of the petitioner for assignment of land in RS No.15/5 to 15/7 admeasuring AC.6.11 cents of Musunuru Village, Nuziveedu mandal, Krishna district and taking steps to evict the petitioners without following the due process of law as illegal, arbitrary and consequently direct the respondents to consider the claim of the petitioners for assignment as swaijamadar and pass such other or further orders.

**Counsel for the Petitioner:G.JHANSI**

**Counsel for Respondents: GP FOR REVENUE**

**The Court at the stage of admission made the following :**

**ORDER:**

The present writ petition is filed questioning the action of the respondents in not considering the claim of the petitioners for assignment of land in Survey No. 15/5 to 15/7 admeasuring
Ac.6.11 cents of Musunuru village, Nuziveedu mandal, Krishna district.

It is stated in the affidavit filed in support of the writ petition that land covered under R.S.No.15/5 and 15/7 admeasuring an extent of Ac.6.11 cents was a barren land and the same was occupied by petitioner's father and the petitioners are in possession and cultivating the same. It is further stated that in the year 1999 certain persons had claimed right over the said land and the matter was compromised and an agreement of sale was executed in favour of the petitioners on
5-2-1999. That the Panchayat Secretary has also issued a certificate to the effect that the subject land is an assigned land and the same was purchased by the petitioners. The grievance of the petitioners is that the Mandal Revenue Officer/second respondent is initiating steps to evict them and to assign the subject land to third parties on the eve of Republic Day on 26-1-2005. Hence, the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

Having heard the learned counsel for petitioner and learned Government Pleader for Revenue, I deem it appropriate to dispose of the writ petition with the following direction;

If the respondents intend to acquire private lands of individuals, they shall follow the procedure established by law and pay compensation to the individuals. If the land in question is a Government land, which is under encroachment, the respondents shall follow the procedure contemplated under the Land Encroachment Act for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondents have already followed the due process of law in the matter, they are at liberty to take steps to evict the petitioners from the land in question.

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N.V.RAMANA,J

**19TH JAN, 2005**

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer Nuziveedu,Krishna Dist.
2 The Mandal Revenue Officer Musunur (M), Krishna Dist.

3.2CCs to Government Pleader for Revenue, High Court buildigns, Hyderabad (OUT)

4.2CD copies